

Serial No.: 10/633,843
RTS-0242US.C1

REMARKS

Applicants thank the Examiner for her time and courtesy during the telephonic interview on June 7, 2006.

Claims 1, 2, 4-10, and 12-14 are pending in this application. Claim 1 is currently amended to correct a typographical error. Claims 21 to 30 have been added. The claims are supported throughout the specification and in the claims as filed. No new matter has been added by this amendment.

I. Claim objections

The Examiner has objected to claims 1, 2, 4-10 and 12-14 for informalities. Claim 1 contained a typographical error. The spelling of the word "nucleobase" has been corrected. Applicants thank the Examiner for finding this typographical error. The remaining claims were rejected for being dependent on an objected claim. Therefore, the objection of claims 1, 2, 4-10 and 12-14 for informalities is moot.

II. Rejection under 35 USC §102

The Examiner has rejected claims 1, 2, 12 and 14 under 35 USC §102(b) as being anticipated by Rossau et al (USP 5,536,638) for containing an 8-nucleobase portion of SEQ ID NO: 13. Applicants respectfully disagree with the Examiner. The oligonucleotide of Rossau contains each a 4- and a 5-nucleobase portion of SEQ ID NO: 13 as there is a mismatch in the middle of the alignment. However, purely to progress the prosecution of the application,

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Applicants have cancelled language directed to SEQ ID NO: 13 in claim 1. No rejections were made in regard to SEQ ID NO: 15. Therefore it is believed to be free of the prior art. As claims 2, 12, and 14, the remaining claims in the rejection, are dependent on the non-anticipated claim 1, they are also not anticipated. Therefore, the rejection of claims for anticipation over Rossau is moot.

Newly added claim 21 contains all of the limitations of claim 6 prior to incorporation of the amendment entered herein. As claim 6 was not rejected for anticipation, the new claim 21 is not anticipated. As the remaining newly entered claims are dependent on the non-anticipated claim 21, they are also not anticipated; therefore, allowable.

III. Rejection under 35 USC §103(a)

The Examiner has rejected claims 1, 2, 4, 5, 12, and 14 under 35 USC §103(a) as being unpatentable over Rossau in view of Skerra. As discussed above, Rossau does not teach a compound comprising at least an 8-nucleobase portion of SEQ ID NO: 13 or 15. This deficiency is not overcome by the teachings of Skerra. However, purely to progress the prosecution of the application, Applicants have cancelled language directed to SEQ ID NO: 13 in claim 1. No rejections were made in regard to SEQ ID NO: 15. Therefore it is believed to be free of the prior art. As claims 2, 4, 5, 12, and 14, the remaining claims in the rejection, are dependent on the non-anticipated

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claim 1, they are also not obvious. Thus, the rejection of claims for obviousness is moot.

Newly added claim 21 contains all of the limitations of claim 6 prior to incorporation of the amendment entered herein. As claim 6 was not rejected for obviousness, the new claim 21 is not obvious. As the remaining newly entered claims are dependent on the non-obvious claim 21, they are also not obvious; therefore, allowable.

IV. Fees

The Commissioner is hereby authorized to charge Deposit Account 50-0252 referencing case RTS-0242US.C1 the amount of \$50 for two claims in excess of 20, small entity. It is believe that there is no further fee due with this response. However, if an additional fee is due, the Commissioner is hereby authorized to charge Deposit Account named above.

V. Conclusions

In view of the forgoing amendments and remarks, the Applicants submit that the case is now in proper form for allowance. As all of the claims have been amended to limit the scope to matter indicated by the Examiner to be allowable, no further search is required. Therefore, Applicants respectfully request that the amendment be entered after final.

If the Examiner believes that there are any outstanding issues remaining in the case, the Examiner is

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encouraged to call the agent for applicant below to
discuss the matter.

Respectfully submitted,



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Date:

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